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## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q67327

**RECEIVED**

Yong-jun LIM

OCT 22 2004

Appln. No.: 10/046,912

Group Art Unit: 2184

Technology Center 2100

Confirmation No.: 3408

Examiner: Not Yet Assigned

Filed: January 17, 2002

For: METHOD OF UPGRADING SOFTWARE IN A NETWORK ENVIRONMENT AND A  
NETWORK DEVICE FOR PERFORMING THE SAME

## STATEMENT UNDER 37 C.F.R. § 1.97(e)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed  
concurrently herewith was first cited in any communication from a foreign patent office in a  
counterpart foreign application not more than three months prior to the filing of said Information  
Disclosure Statement.

SUGHRUE MION, PLLC  
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Facsimile: (202) 293-7860

WASHINGTON OFFICE

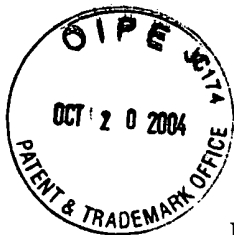
23373

CUSTOMER NUMBER

Respectfully submitted,

Darryl Mexic  
Registration No. 23,063

Date: October 20, 2004



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**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except that no copies are provided of any U.S. patents, U.S. patent publications, and U.S. patent applications filed after June 2003.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after

INFORMATION DISCLOSURE STATEMENT

U.S. Appln. No.: 10/046,912

Attorney Docket No.: Q67327

filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required. Nevertheless, since a statement can be made, a statement is submitted herewith.

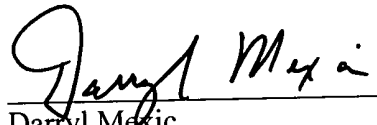
In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant submits the following explanations:

***Submitted herewith are English language abstracts of Japanese Patent Laid-open Publication Nos. 2001-117780, 10-105407 and 9-138769, which abstracts constitute concise statements of relevance of the respective references.***

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,



Darryl Mexic

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WASHINGTON OFFICE

**23373**

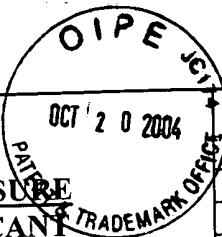
CUSTOMER NUMBER

Date: October 20, 2004

Substitute for Form 1449 A &amp; B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)



Complete if Known

Application Number	10/046,912
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Filing Date	January 17, 2002
First Named Inventor	Yong-jun LIM
Art Unit	2184
Examiner Name	Not Yet Assigned
Attorney Docket Number	Q67327

Sheet

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of

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**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code <sup>2</sup> (if known)		
		US			
		US			
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
		JP	2001-117780	A	4/27/2001	SHARP CORP.	Abstract
		JP	10-105407	A	4/24/1998	NIPPON DENKI IDO TSUSHIN KK	Abstract
		JP	9-138769	A	5/27/1997	MITSUBISHI ELECTRIC CORP.	Abstract

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation <sup>6</sup>

Examiner Signature

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov), MPEP 901.04 or in the comment box of this document. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to indicate here if English language Translation is attached.